

# LEOFF 1 Disability Boards

## Background

Each city with a population of 20,000 or more has a LEOFF 1 disability board comprised of:

- 2 members of the city legislative body
- 1 active or retired fire fighter
- 1 active or retired law enforcement officer
- 1 member from the public at large.

Each county has a LEOFF 1 disability board for those members not covered by a city disability board. Each county disability board is comprised of:

- 1 member of the county legislative body
- 1 member of a city or town legislative body (under 20,000 population)
- 1 active or retired fire fighter
- 1 active or retired law enforcement officer
- 1 member from the public at large.

Current law requires LEOFF members of county disability boards to reside in the county.

The LEOFF 1 plan has been closed since 1977. The number of members will continue to decline resulting in the eventual consolidation and elimination of disability boards.

## Committee Activity

### Presentation:

November 9, 2004 - Executive Committee

### Proposal:

November 9, 2004 - Executive Committee

## Recommendation to Legislature

Remove the residency qualifications of active or retired LEOFF members eligible to serve on county disability boards and the LEOFF 1 members who are eligible to vote for those board members. And, if there are either no LEOFF 1 fire fighters or law enforcement officers qualified to vote in disability board elections, allow the remaining eligible law enforcement officers or fire fighters to elect a second board member.

## Staff Contact

Robert Wm. Baker, Senior Research Analyst  
(360) 586-9237 – [baker.robert@leg.wa.gov](mailto:baker.robert@leg.wa.gov)

# Select Committee on Pension Policy

## LEOFF 1 Disability Boards

(October 27, 2004)

---

### **Proposal**

Clarify the qualifications of active or retired LEOFF members eligible to serve on county disability boards and the LEOFF 1 members who are eligible to vote for those board members. And if there are either no LEOFF 1 fire fighters or law enforcement officers qualified to vote, the remaining eligible law enforcement officers or fire fighters will elect a second board member.

### **Staff**

Robert Wm. Baker, Senior Research Analyst  
(360) 586-9237

### **Members Impacted**

As of the 2003 valuation, there were 991 active members, 6,870 retirees, and 1,184 survivors in LEOFF 1.

### **Current Situation**

Each city with a population of 20,000 or more has a LEOFF 1 disability board comprised of:

- 2 members of the city legislative body
- 1 active or retired fire fighter
- 1 active or retired law enforcement officer
- 1 member from the public at large.

Each county has a LEOFF 1 disability board for those members not covered by a city disability board. Each county disability board is comprised of:

- 1 member of the county legislative body
- 1 member of a city or town legislative body (under 20,000 population.)
- 1 active or retired fire fighter
- 1 active or retired law enforcement officer
- 1 member from the public at large.

### **History**

Companion bills HB 3114 and SB 6355 were introduced in the 2004 legislative session. The bills would have clarified the qualifications of the active or retired LEOFF members eligible to serve on the county disability board and the LEOFF 1 members eligible to vote for those board members. The bills also provided that if there were either no LEOFF 1 fire fighters or law enforcement officers eligible to vote, the remaining eligible law enforcement officers or fire fighters would elect a second board member. Neither bill was forwarded from its respective fiscal committee.

### **Policy Analysis**

Each LEOFF 1 disability board is required to have two LEOFF members - they do not have to be LEOFF 1 members. This legislation does not establish any new policies in regards to that membership but merely fine-tunes the disability board membership provisions in light of the declining number of eligible LEOFF 1 voting members.

### **Executive Committee Recommendation**

Forward the bill to the full committee for consideration.

### **Bill (Draft)**

Attached

### **Fiscal Note (Draft)**

Attached

1       AN ACT Relating to city and county disability boards; amending RCW  
2   41.26.110; and declaring an emergency.

3   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4       **Sec. 1.** RCW 41.26.110 and 2003 c 30 s 3 are each amended to read  
5   as follows:

6       (1) All claims for disability shall be acted upon and either  
7   approved or disapproved by either type of disability board authorized  
8   to be created in this section.

9       (a) Each city having a population of twenty thousand or more shall  
10   establish a disability board having jurisdiction over all members  
11   employed by those cities and composed of the following five members:  
12   Two members of the city legislative body to be appointed by the mayor;  
13   one active or retired fire fighter employed by or retired from the city  
14   to be elected by the fire fighters employed by or retired from the city  
15   who are subject to the jurisdiction of the board; one active or retired  
16   law enforcement officer employed by or retired from the city to be  
17   elected by the law enforcement officers employed by or retired from the  
18   city who are subject to the jurisdiction of the board; and one member  
19   from the public at large who resides within the city to be appointed by

1 the other four members designated in this subsection. Only those  
2 active or retired fire fighters and law enforcement officers who are  
3 subject to the jurisdiction of the board have the right to elect under  
4 this section. All fire fighters and law enforcement officers employed  
5 by or retired from the city are eligible for election. Each of the  
6 elected members shall serve a two year term. The members appointed  
7 pursuant to this subsection shall serve for two year terms: PROVIDED,  
8 That cities of the first class only, shall retain existing firemen's  
9 pension boards established pursuant to RCW 41.16.020 and existing  
10 boards of trustees of the relief and pension fund of the police  
11 department as established pursuant to RCW 41.20.010 which such boards  
12 shall have authority to act upon and approve or disapprove claims for  
13 disability by fire fighters or law enforcement officers as provided  
14 under the Washington law enforcement officers' and fire fighters'  
15 retirement system act.

16 (b) Each county shall establish a disability board having  
17 jurisdiction over all members (~~((residing in the county))~~) employed by or  
18 retired from an employer within the county and not employed by a city  
19 in which a disability board is established. The county disability  
20 board so created shall be composed of five members to be chosen as  
21 follows: One member of the legislative body of the county to be  
22 appointed by the county legislative body; one member of a city or town  
23 legislative body located within the county which does not contain a  
24 city disability board established pursuant to subsection (1)(a) of this  
25 section to be chosen by a majority of the mayors of such cities and  
26 towns within the county which does not contain a city disability board;  
27 one active fire fighter or retired fire fighter employed by or retired  
28 from an employer within the county to be elected by the fire fighters  
29 employed or retired (~~((in))~~) from an employer within the county who are  
30 not employed by or retired from a city in which a disability board is  
31 established and who are subject to the jurisdiction of (~~((the))~~) that  
32 board; one law enforcement officer or retired law enforcement officer  
33 employed by or retired from an employer within the county to be elected  
34 by the law enforcement officers employed in or retired from an employer  
35 within the county who are not employed by or retired from a city in  
36 which a disability board is established and who are subject to the  
37 jurisdiction of (~~((the))~~) that board; and one member from the public at  
38 large who resides within the county but does not reside within a city

1 in which a city disability board is established, to be appointed by the  
2 other four members designated in this subsection. However, in counties  
3 with a population less than sixty thousand, the member of the  
4 disability board appointed by a majority of the mayors of the cities  
5 and towns within the county that do not contain a city disability board  
6 must be a resident of one of the cities and towns but need not be a  
7 member of a city or town legislative body. Only those active or  
8 retired fire fighters and law enforcement officers who are subject to  
9 the jurisdiction of the board have the right to elect under this  
10 section. All fire fighters and law enforcement officers employed by or  
11 retired from an employer within the county who are not employed by or  
12 retired from a city in which a disability board is established are  
13 eligible for election. All members appointed or elected pursuant to  
14 this subsection shall serve for two year terms. If there are no fire  
15 fighters under the jurisdiction of the board eligible to vote, a second  
16 eligible employee representative shall be elected by the law  
17 enforcement officers eligible to vote. If there are no law enforcement  
18 officers under the jurisdiction of the board eligible to vote, a second  
19 eligible representative shall be elected by the fire fighters eligible  
20 to vote.

21 (2) The members of both the county and city disability boards shall  
22 not receive compensation for their service upon the boards but the  
23 members shall be reimbursed by their respective county or city for all  
24 expenses incidental to such service as to the amount authorized by law.

25 (3) The disability boards authorized for establishment by this  
26 section shall perform all functions, exercise all powers, and make all  
27 such determinations as specified in this chapter.

28 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
29 preservation of the public peace, health, or safety, or support of the  
30 state government and its existing public institutions, and takes effect  
31 immediately.

--- END ---

# DRAFT FISCAL NOTE

REQUEST NO.

RESPONDING AGENCY:	CODE:	DATE:	BILL NUMBER:
Office of the State Actuary	035	10/27/04	Z-0198.1/ Z-0199.1

## SUMMARY OF BILL:

This bill impacts the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) Plan 1. The bill addresses jurisdiction, disability board membership and eligibility to vote for member representatives on the board. The proposed legislation provides that the jurisdiction of the county disability boards applies to all members employed by or retired from an employer within the county and not employed by a city in which a disability board is established. It also clarifies that to serve on the county disability board, a fire fighter or law enforcement officer must be employed by or retired from an employer within the county and not be employed by or retired from a city in which a disability board is established. Those voting for employee representatives on the county disability board must be employed by or retired from an employer within the county and not employed by or retired from a city in which a disability board is established. Finally, the bill addresses the election of the firefighter and law enforcement officer positions on the board and adds the following new provisions: a) if there are no firefighters eligible to vote, a second eligible member representative shall be elected by the law enforcement officers eligible to vote, and b) if there are no law enforcement officers eligible to vote, a second member representative shall be elected by the fire fighters eligible to vote.

Effective Date: Immediately upon passage.

## CURRENT SITUATION:

Currently the county disability board's jurisdiction extends to "all members residing in the county" and not employed by a city in which a disability board is established. The provision that the members be employed by or retired from an employer within the county is not included in the current law. To serve on the disability board, the current law requires mere residence in the county for the firefighter and police officer representatives, whereas the proposed law requires that the employee representatives be "employed by or retired from an employer within the county", and that they not be "employed by or retired from a city in which a disability board is established."

The current law allows all fire fighters and law enforcement officers employed or retired from the county who are not employed by or retired from a city in which a disability board is established and who are subject to the jurisdiction of the board to vote for member representation on the boards. The proposed law adds the requirement that the voting member be employed by or retired from an employer within the county who are not employed by or retired from a city in which a disability board is established and who are subject to the jurisdiction of "that" board.

## FISCAL IMPACT:

None.